

E-Filed on 1/18/08

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Facsimile (702) 949-8321  
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199  
Email: sfreeman@lrlaw.com  
Rob Charles NV State Bar No. 006593  
Email: rcharles@lrlaw.com  
John Hinderaker AZ State Bar No. 018024  
Email: jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC,  
Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING  
SECOND OMNIBUS OBJECTION OF  
USACM TRUST TO PROOFS OF  
CLAIM BASED UPON  
INVESTMENT IN THE ONE POINT  
STREET, LLC – HFA NORTH  
YONKERS LOAN; AND  
CERTIFICATE OF SERVICE**

Date of Hearing: February 21, 2008  
Time of Hearing: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR  
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE ONE  
POINT STREET, LLC – HFA NORTH YONKERS LOAN BECAUSE THE  
USACM TRUST CONTENDS THAT YOU HAVE BEEN PAID IN FULL FOR  
YOUR INVESTMENT IN THAT LOAN. THIS OBJECTION WILL NOT**

1 **IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN**  
2 **INVESTMENT IN A DIFFERENT LOAN.**

3 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
4 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS  
5 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**  
6 **SHOULD BE DIRECTED TO THE UNDERSIGNED COUNSEL .**

7 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and  
8 through its counsel, has filed its Second Omnibus Objection to Proofs of Claim Based  
9 Upon Investment in the One Point Street, LLC – HFA North Yonkers Loan (the  
10 “Objection”). Your Proof of Claim number and other information regarding your claim is  
11 provided in **Exhibit A**, attached. The USACM Liquidating Trust has requested that this  
12 Court enter an order, pursuant to section 502 of title 11 of the United States Code (the  
13 “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the  
14 “Bankruptcy Rules”), disallowing your Proof of Claim to the extent it is based upon an  
15 investment in the One Point Street, LLC – HFA North Yonkers Loan. The Objection will  
16 not impact your Claim to the extent it is based upon an investment in a different loan.

17 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
18 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley  
19 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on  
20 **February 21, 2008, at the hour of 9:30 a.m.**

21 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON February**  
22 **21, 2008, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**  
23 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**  
24 **HEARD ON THAT DATE.**

25 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed  
26 by February 13, 2008 pursuant to Local Rule 3007(b), which states:

1 If an objection to a claim is opposed, a written response must be filed and  
2 served on the objecting party at least 5 business days before the scheduled  
3 hearing. A response is deemed sufficient if it states that written  
4 documentation in support of the proof of claim has already been provided to  
5 the objecting party and that the documentation will be provided at any  
6 evidentiary hearing or trial on the matter.

7 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
8 pleading with the Court. You *must* also serve your written response on the person who  
9 sent you this notice.

10 If you do not file a written response with the Court, or if you do not serve your  
11 written response on the person who sent you this notice, then:

- 12 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 13 • The Court may *rule against you* and sustain the objection without formally  
14 calling the matter at the hearing.

15 Dated: January 18, 2008

16 LEWIS AND ROCA LLP

17 By /s/ Rob Charles (#6593)

18 Susan M. Freeman, AZ 4199 (*pro hac vice*)

19 Rob Charles, NV 6593

20 John C. Hinderaker, AZ 18024 (*pro hac vice*)

21 3993 Howard Hughes Parkway, Suite 600

22 Las Vegas, Nevada 89169

23 Telephone: (702) 949-8200

24 Facsimile: (702) 949-8398

25 E-mail: rcharles@lrlaw.com

26 *Attorneys for the USACM Liquidating Trust*

21 Copy of the foregoing mailed by first class  
22 Postage prepaid U.S. Mail on  
23 January 18, 2008 to:

24 Parties listed on Exhibit A attached.

25 s/Renee L. Creswell

26 Renee L. Creswell